

A CERTIFIED TRUE COPY

SEP 26 2005

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONFILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2005 SEP 28 PM 2:48

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

SEP - 8 2005

FILED
CLERK'S OFFICEDOCKET NO. 05-1203
G. WHYTE
CLERK

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE VIOXX PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-23)

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 1,491 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, 360 F.Supp.2d 1352 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

*Michael J. Beck*Michael J. Beck
Clerk of the Panel

05-1203

Inasmuch as no objection is
pending at this time, the
stay is lifted.

SEP 26 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONCLERK'S OFFICE
A TRUE COPY

NOV 4 2005

Deputy Clerk, U.S. District Court
Eastern District of Louisiana
New Orleans, LA

Fee	_____
Process	_____
<input checked="" type="checkbox"/> Dkt'd	<i>Jan 16</i>
<input type="checkbox"/> Clk's Dep	_____
<input type="checkbox"/> Doc. No	<i>1036</i>

9

UNITED STATES DISTRICT COURT


EASTERN DISTRICT OF LOUISIANA
OFFICE OF THE CLERK

LORETTA G. WHYTE
CLERK

500 POYDRAS ST., ROOM C-151
NEW ORLEANS, LA 70130

November 15, 2005

Robert Di Trolio, Clerk
United States District Court
Western District of Tennessee
111 S. Highland
Jackson, TN 38301

FILED BY  D.C.
05 NOV 21 PM 3:05
JONATHAN GOULD
CLERK U.S. DISTRICT COURT
W.D. OF TN JACKSON

In Re: MDL 1657 Vioxx Products Liability Litigation

Your Case No. C.A. 1:05-1203 Phillip
Vernon v. Merck & Co., Inc.
Our Case No. C.A. 05-4878 L (3)

Dear Mr. Di Trolio:

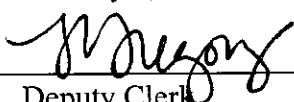
Enclosed is a certified copy of a transfer order received from the Multidistrict Litigation Panel in Washington, D.C. It instructs that the case listed above be transferred to our district for disposition pursuant to Title 28 USC 1407, as soon as possible. Our office has assigned a new civil action number to this case as referenced above.

DO NOT FORWARD THE ORIGINAL RECORD. The Honorable Eldon E. Fallon, U.S. District Court Judge issued an order directing that the transfer of records consist of only a certified copy of the complaint (including notice of removal, if applicable), any amendments, the docket sheet and the MDL Transfer Order, together with a copy of the transfer letter be forwarded to the transferor court.

Due to the high volume of cases involved in this litigation please provide paper copies of the above documents instead of simply referring to your website.
Your prompt attention in this matter is greatly appreciated.

Should you have any questions regarding this request, please contact Dina Guilbeau at (504)589-7704.

Very truly yours,
Loretta G. Whyte, Clerk

By 
Deputy Clerk

Enclosures

cc: Judicial Panel on Multidistrict Litigation

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

Thomas M. Gould
Clerk of Court

111 South Highland Ave., Room 262
Jackson, Tennessee 38301
731-421-9200
731-421-9210 Fax

November 23, 2005

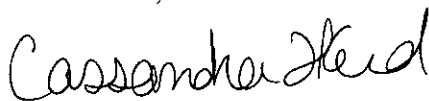
United States District Court
Eastern District of Louisiana
500 Poydras St., Room C-151
New Orleans, LA 70130

RE: Vernon vs. Merck & Co., Inc., Et al.,
05-4878 -Your Case No.
05-1203 T/An -Our Case No.

Dear Clerk:

Pursuant to the Conditional Transfer Order (CTO-24) the above referenced case has been transferred to the United States District Court for the Eastern District of Louisiana . Please find enclosed a certified copy of the Notice of Removal/Lower Court Complaint, Docket Sheet, MDL Transfer Order, and a copy of the transfer letter to the transferor court. I am also enclosing a copy of this cover letter and requesting that you acknowledge receipt and return it to our office in the provided envelope. Thank you for your attention in this matter.

Thomas M. Gould, Clerk

BY: 

Deputy Clerk

ENCLOSURES



Notice of Distribution

This notice confirms a copy of the document docketed as number 9 in case 1:05-CV-01203 was distributed by fax, mail, or direct printing on November 23, 2005 to the parties listed.

Lisa M. Martin
BUTLER SNOW O'MARA STEVENS & CANADA, PLLC
6075 Poplar Ave.
Ste. 500
Memphis, TN 38119

Kathryn E. Barnett
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP- Nashville
One Nashville Place
150 4th Ave., N.
Ste. 1650
Nashville, TN 37219--242

Honorable James Todd
US DISTRICT COURT